

COUNTY OF SUFFOLK



STEVEN BELLONE
COUNTY EXECUTIVE

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
DIVISION OF PLANNING AND ENVIRONMENT
COUNCIL ON ENVIRONMENTAL QUALITY

Tom Gulbransen
Chairperson
CEQ

SUFFOLK COUNTY COUNCIL ON ENVIRONMENTAL QUALITY MEETING SUMMARY

DATE: May 20, 2020

TIME: 9:34 am – 1:14 pm

LOCATION: ZOOM Video Conference

Due to the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 202.1 202.28 issued on March 12, 2020 suspending the Open Meeting Law, the Suffolk County Planning Commission Meeting will be held electronically via ZOOM until June 6, 2020. Instead of a public meeting open for the public to attend in person, members of the public may Listen to or log into the video conference. The public was encouraged to send in their statements for the public portion to the address above or email to Planning@suffolkcountyny.gov . The Minutes of the meeting will be posted on the Suffolk County Planning Commission website.

PRESENT:

Thomas Gulbransen, Chair
Michael Kaufman, Vice Chair (by phone)
Rob Carpenter Jr.
Frank De Rubeis
Hon. Kara Hahn
Hon. Al Krupski
Mary Ann Spencer
Andrea Spilka
Larry Swanson

ABSENT:

Constance Kepert

CAC REPRESENTATIVES:

None

STAFF:

Sarah Lansdale, Director of Planning
Andrew Freleng, Chief Planner
John Corral, Environmental Projects Coordinator
Christine DeSalvo, Principal Office Assistant

GUESTS:

Richard Martin, Director of Historic Services, Suffolk County Department of Parks,
Recreation and Conservation
Nick Gibbons, Principal Environmental Analyst, Suffolk County Department of Parks,
Recreation and Conservation
Camilo Salazar, Senior Environmental Analyst, Suffolk County Department of Economic
Development and Planning, Division of Water Quality
August Ruckdeschel, Farmland Administrator, Suffolk County Department of Economic
Development and Planning, Division of Planning and Environment
Andrew Amakawa, Senior Planner, Suffolk County Department of Economic Development
and Planning, Division of Planning and Environment
Christina DeLisi, Suffolk County Legislative Aide for Suffolk County Presiding Officer
Maria Nida, Assistant County Attorney, Suffolk County Department of Law
Gwynn Schroeder, Legislative Aide, Hon. Krupski, 1st District
Peter Scully, Deputy County Executive, Suffolk County
Dorian Dale, Economic Development Sustainability Director, Suffolk County Department of
Economic Development and Planning
Susan Filipowich, Environmental Analyst, Suffolk County Department of Economic
Development and Planning, Division of Planning and Environment
Alyssa Turano, Legislative Aide, Hon. Hahn, District 5
Georgia Reid, Intern, Suffolk County Department of Economic Development and Planning,
Division of Planning and Environment
Christopher Gobler, Stony Brook School of Marine and Atmospheric Sciences,
Chair of Coastal Ecology and Conservation
Rob West
Joseph Prokop, Esq., Attorney for the Village of Islandia
Lee Snead, Esq., Attorney for the Pal-O-Mine Applicant
Michael Doall, with Stony Brook School of Marine and Atmospheric Sciences
Seika Robertson, Army Corps of Engineers
Janet Longo, Land Management Specialist, Suffolk County Department of Economic
Development and Planning
Lena Taboni
J. Stellakis
J. Carmentano
David Yaffe
Martin Bellew, Town of Islip

Thomas Gulbransen, Chair of the CEQ read the following into the record regarding the May 20, 2020 CEQ Meeting:

This is the regularly scheduled May 20, 2020 meeting of the Suffolk County Council on Environmental Quality and for the record; we do have a quorum present.

The notice of the meeting followed the Open Meetings Law as amended by Executive Order 202.1 And updated by Executive Order 202.28 extending the suspensions and conditions of the OML (open meetings law) until June 6, 2020 allowing meetings to take place telephonically or through other similar services. In this instance, we will be using ZOOM and will be recording the entirety of the meeting.

Additionally, we will be following the voting protocol used by the Suffolk County Legislature at its March 17th meeting. All voting on Board Actions and Resolutions will be done via a roll call and we ask that all Board Members clearly state their name when making a motion and clearly state their vote when their name is called.

Minutes:

Ms. DeSalvo noted that CEQ staff had not yet completed the CEQ minutes from the April 15, 2020 CEQ Meeting. Mr. Corral also explained to the CEQ that the Governor's Executive Order and the changes to the Open Meeting Law requires that verbatim transcripts of the meeting be completed and for that reason the minutes are taking longer than normal to complete but that the CEQ staff is working to get the minutes done as quickly as possible.

Correspondence:

Mr. Corral stated that the CEQ Agenda notes that correspondence can be sent in to the general Planning email address and that two letters addressed to the CEQ were received yesterday (May 19, 2020). Mr. Corral noted that one correspondence from the Village of Islandia and one from the attorney for the applicant of Pal-O-Mine Equestrian Inc. that were addressed to the CEQ were received. Mr. Corral noted that both of these correspondence were forwarded on to the CEQ members.

Public Portion:

Mr. Gulbransen noted that he understands that there are two requests to speak: Attorney Snead and Attorney Prokop. Mr. Gulbransen asked if there are any other requests to speak. There were no other requests made by the public to speak.

Mr. Gulbransen asked the CEQ whether the CEQ wishes to have the public portion during the project discussion portion of meeting or now during the public portion. It was decided to have the public portion during the Agricultural District portion of agenda.

Legislator Krupski requested a refresher on Ag and Market's law and the CEQ's role in the review process. Mr. Gulbransen noted that CEQ member, Rob Carpenter is going to give a presentation to refresh us the CEQ on the Ag and Market Law.

Mr. Carpenter noted that he has a PowerPoint to present and also asked if the two page document on Agricultural Districts and the SEQRA process be shared with the CEQ members.

Historic Trust Docket:

Director's Report:

Updates on Housing Program for Historic Trust Sites

Mr. Martin noted that there is currently one housing vacancy. Mr. Martin noted that the caretaker's house is at West Hills County Park which is being appraised and then will be advertised when the Park can again fully reopen. Mr. Martin noted that there are no security concerns with not having this unit rented but that the Parks Department will work to get this unit rented again as soon as possible.

Updates on Historic Trust Custodial Agreements

Mr. Martin noted that IR 1371-2020, which is on today's LADS report, regards authorizing the use of Coindre Hall at West Neck Farm County Park by Huntington Lighthouse Preservation Society, Inc. Mr. Martin provided some background on this agreement and noted that he was available to answer any questions. Mr. Martin also noted that the Suffolk County Parks Department is supportive of this agreement.

Project Review:

Recommended Type I:

A. Feasibility Study of Seaweed (Sugar Kelp) Cultivation for Bioextraction of Nutrients in the Peconic Estuary

In a presentation by Michael Doall, with Stony Brook University's School of Marine and Atmospheric Science, it was explained that the proposed project involves a feasibility study to test the viability of seaweed (Sugar Kelp) cultivation for bioextraction in five Peconic Estuary locations. The study will analyze Sugar Kelp's ability to extract nutrients from the estuary including the nutrient Nitrogen, which when found at excess levels in an estuary leads to low Dissolved Oxygen and reduced light transmission which impacts aquatic organisms including shellfish. At each site, the Sugar Kelp will be grown on three 100 ft long lines and it is anticipated that the lines will be installed in November and removed in June.

It was also noted that for each year of the two year study, each study location will be at an active Suffolk County Shellfish Aquaculture Lease Program site and will be determined in coordination with the Suffolk County Department of Economic Development and Planning.

It was also discussed that the Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay was subject to a Generic Environmental Impact

Statement (GEIS) in which Suffolk County as Lead Agency adopted a Findings Statement on December 15, 2008. Furthermore, pursuant to SEQRA regulations, because the GEIS for the Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay did not specifically address this type of use on the aquaculture lease sites, the referenced Full Environmental Assessment Form (EAF) has been prepared to enable the additional required SEQRA review for this proposed action. It was noted that the GEIS also established limits to where sites can be located in the Peconic Bay and worked to avoid environmentally sensitive areas of the Peconic Bay and areas that have a high likely hood of user conflicts and may result in navigational hazards.

At this May 20, 2020 meeting, the CEQ recommended that the above referenced EAF be amended to include that the proposed project will also require United States Army Corps of Engineers approvals.

Mr. Kaufman made a motion to recommend the classification of the proposed project as a Type I Action with a Negative Declaration. The motion included that the Feasibility study will carefully examine the safety and competing uses in the Peconic Estuary. The motion also included that the referenced EAF be amended to include that the proposed project will also require United States Army Corps of Engineers approvals. The motion was seconded by Mr. DeRubeis. Motion carried. Mr. Swanson recused.

Project Review:

Recommended Unlisted Actions:

- A. Proposed Inclusion of the Below Listed Properties into an Existing Certified Agricultural District Pursuant to New York State Agriculture and Markets Law Section 303-b

Prior to the specific review of the individual applications Robert Carpenter, CEQ Member and Executive Director of the Long Island Farm Bureau, provided a brief overview PowerPoint of the Agricultural Districts program. As part of Mr. Carpenter's presentation it was noted that the premise on the Agriculture District program is to provide protection against unreasonable local municipality restrictions or regulations of farm operations unless the public health or safety is impacted. It was noted that this does not mean that the agricultural operations are not still bound by local zoning or building codes it only provides protections against unreasonable restrictions against normal farming practices.

After the overview presentation provided by Mr. Carpenter, August Ruckdeschel, Farmland and Open Space Administrator, Suffolk County Department of Economic Development and Planning, provided a presentation to the CEQ on each of the different proposed agricultural district applications. Mr. Ruckdeschel noted that for the below agricultural districts applications, that pursuant to NYS Agricultural Markets Law Section 303-b, the Suffolk County Agricultural and Farmland Protection Board, as part of its annual review process, reviewed the above referenced properties. The Suffolk County Agricultural and Farmland Protection Board, at its April 29, 2019 meeting, recommended that the parcel(s) listed below be included within a certified Agricultural District. The Suffolk County Agricultural and Farmland Protection Board determined that the parcel(s) consists of viable agricultural lands that would serve the public interest by assisting in maintaining a viable agricultural industry within the district.

1. Nancy A. Bush Living Trust, Town of Brookhaven
2. Sally E. Kennedy and John W. Kennedy, Town of Brookhaven
3. Susan Marchese, Town of Brookhaven
4. Allison Porretto and Marie Delea, Town of Brookhaven
5. Robert A. West Jr. and Lori M. Conroy, Town of Brookhaven
6. Nivo Management Group Inc., Town of Huntington
7. Gisbert and Auwaerter LLC, Town of Islip
8. Town of Islip Bay Bottom, Town of Islip
9. Richard Delea and Vincent Sasso, Town of Riverhead
10. Carl Gabrielsen, Town of Riverhead
11. Northeast Farm LLC, Town of Riverhead
12. Le Clos Therese LP, Town of Riverhead
13. Densieski Holding Corp, Town of Southampton
14. Still Waiting for Ed's Watches LLC, Town of Southampton
15. Halsey Farm & Nursery Inc., Town of Southampton
16. Whitecap Farm LLC and Cohree LLC, Town of Southampton
17. Arthur P Ludlow, Town of Southampton
18. David Birdsall, Town of Southampton
19. Sutton Hoo, Inc., Village of Sagaponack
20. Balsam Farms LLC, Village of Sagaponack
21. Indian Neck Holdings, LLC, Town of Southold
22. 61600 Main Road LLC, Town of Southold

Mr. Kaufman made a motion for each individual applications listed above to recommended the classification of the proposed projects as an Unlisted Action with a Negative Declaration. The motions were seconded by Ms. Spilka with the exception of the Sally E. Kennedy, John W. Kennedy, the Allison Porretto and Marie Delea applications which were seconded by Mr. Carpenter. The motions all carried.

- B. Reaffirm status of inclusion of Suffolk County Tax Map Numbers: 0504-004.00-01.00-019.000 and 0504-009.00- 01.00-035.000, which are owned by Pal-O-Mine Equestrian Inc., into a certified Agricultural District, in the Village of Islandia

Mr. Prokop, the attorney representing for the Village of Islandia addressed the Council as part of the CEQ public portion. Mr. Prokop noted that the correspondence that he submitted to the CEQ on May 19, 2020. Mr. Prokop also discussed the Village's concerns regarding the proposed action to reaffirm the status of the inclusion of Suffolk County Tax Map Numbers: 0504-004.00-01.00-019.000 and 0504-009.00- 01.00-035.000, which are owned by Pal-O-Mine Equestrian Inc., into a certified Agricultural District and the related County's SEQRA review process for this action.

Mr. Snead, the attorney representing Pal-O-Mine-Equestrian Inc., addressed the Council

as part of the CEQ public portion. Mr. Snead provided information on Pal-O-Mine's position regarding the proposed action to reaffirm the status of the inclusion of the Suffolk County Tax Map Numbers: 0504-004.00-01.00-019.000 and 0504-009.00-01.00-035.000, which are owned by Pal-O-Mine Equestrian Inc., into a certified Agricultural District and the related SEQRA review process for this action. Mr. Snead also noted the correspondence that he submitted to the CEQ on May 29, 2020.

After reviewing the EAF and the information received at the meeting by August Ruckdeschel, Farmland and Open Space Administrator, Suffolk County Department of Economic Development and Planning, the CEQ decided to table its SEQRA review to allow the CEQ Members and CEQ staff time to review the public comments received on May 19, 2020 from the Village of Islandia and the Pal-O-Mine applicant.

A motion made by Mr. Swanson to table the SEQRA review to reaffirm the status of the inclusion of the Suffolk County of Suffolk County Tax Map Numbers: 0504-004.00-01.00-019.000 and 0504-009.00- 01.00-035.000, which are owned by Pal-O-Mine Equestrian Inc., into a certified Agricultural District to allow the CEQ Members and CEQ staff time to review the public comments received on May 19, 2020 from the Village of Islandia and the Pal-O-Mine applicant. The Motion was seconded by Mr. De Rubeis. Motion carried.

After the motion carried to table the SEQRA review for the Pal-O-Mine proposed action the CEQ discussed the Agricultural District timeline. Due to the timeline requirements the CEQ decided to authorize the CEQ staff to set up a Special Meeting provided that all proper Open Meeting Law requirements are met to continue its SEQRA review of the Pal-O-Mine proposed action. As part of this discussion the CEQ requested that the CEQ staff respond at the Special Meeting to the SEQRA issues that were raised by the May 19, 2020 Correspondence submitted to the CEQ regarding the Pal-O-Mine proposed action.

Mr. Carpenter made the motion to have a special meeting to review the Pal-O-Mine proposed action provided that the Special Meeting complies with all Open Meeting law requirements. Legislator Hahn seconded the motion. Motion carried

Project Review:

Recommendations for LADS Report:

Recommendations for Legislative Resolutions Laid on the Table April 28, 2020

The CEQ discussed the LADS Report including the resolutions IR 1413-2020 and IR 1414-2020.

Ms. Spilka made a motion to recommend to the Suffolk County Legislature and County Executive, the staff recommendations on the Legislative Resolutions Laid on the Table April 28, 2020 with the exception of IR 1413-2020 and IR 1414-2020. The motion also included that the CEQ SEQRA classifications for IR 1413-2020 and IR 1414-2020 be tabled until the CEQ can further deliberate IR 1413-2020 and IR 1414-2020 at an upcoming CEQ meeting that occurs prior to the Legislature voting on these two Introductory Resolutions. Mr. DeRubeis seconded the motion. Motion carries.

CAC Concerns:

No CAC concerns or comments were raised.

Other Business:

None

The regular CEQ Meeting Adjourned